

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTAL DAWN LIVELY,  
  
Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,  
  
Defendant.

CASE NO. 3:16-cv-05594 JRC

ORDER ON UNOPPOSED  
MOTION FOR EQUAL ACCESS  
TO JUSTICE ACT FEES AND  
EXPENSES AND FOR COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 6; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8).

This matter is before the Court on plaintiff's Petition for Award of Attorney's Fees, Costs and Expenses Pursuant to the Equal Access to Justice Act 28 U.S.C. §§ 2412, 1920. *See* Dkt. 20. Defendant has no objection to plaintiff's request. *See* Dkt. 21.

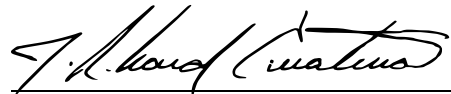
Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's petition/motion (*see* Dkt. 20), the attorney affidavit with time and expense itemizations (*id.*, pp.

1 7-10), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$6,531.85  
2 and expenses in the amount of \$7.50 (postage), shall be awarded to plaintiff pursuant to the  
3 EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at  
4 \*\*\*6-\*\*\*7 (2010).

5 It is further ORDERED that costs in the amount of \$13.60 (copies) shall be awarded to  
6 plaintiff pursuant to 28 U.S.C. §1920.

7 The Acting Commissioner agrees to contact the Department of Treasury after the Order  
8 for EAJA fees, expenses and costs is entered to determine if the EAJA fees, expenses and costs  
9 are subject to any offset. If it is determined that plaintiff's EAJA fees, expenses and costs are not  
10 subject to any offset allowed pursuant to the Department of the Treasury's Offset Program, then  
11 the check for EAJA fees, expenses and costs shall be made payable to Rosemary B. Schurman,  
12 Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney. *See* Petition and  
13 attorney affidavit, Dkt. 20, pp. 7, 9. If there is an offset, the remainder shall be made payable to  
14 plaintiff, based on the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-  
15 122, Dkt. 22, p. 4). Any check for EAJA fees, expenses and costs shall be mailed to plaintiff's  
16 counsel, Rosemary B. Schurman, Esq., at 8123 NE 115 Way, Kirkland, WA 98034.

17 Dated this 27th day of March, 2017.

18  
19 

20 J. Richard Creatura  
21 United States Magistrate Judge  
22  
23  
24